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IN THE HIGH COURT OF KARNATAKA AT BANGALORE

DATED THIS THE 30TH DAY OF JUNE 1998

PRESENT 328

THE HON'BLE MR.JUSTICE ASHOK BHAN

AND

THE HON'BLE MR.JUSTICE S.R.VENKATESHA MURTHY

WRIT PETITION NO.18984/1998

BETWEEN:

1. M.S.Nagappa @ Babu,
major, s/o Siddappa,
Hindu, major, residing at
Old Sawar Lane,
Risaldar Street,
Seshadripuram,
Bangalore-020.

2. ABDUL ALEEM, Muslim,
major, s/o Abdul Majeed,
No.107, S.C.Road,
Opp. to Kine Theatre,
Bangalore-020.

3. G.MUNISWAMY, Hindu,
major, s/o Gopal,

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r/a No.108,
Resaldar Colony,
Seshadripuram,
Bangalore-20.

4. A.JOHN, major,
s/o late Anthony,
r/a No.111/1,
S.C.Road, Seshadripuram,
Bangalore-20.

5. PURUSHOTHAM, Hindu,
major, s/o late Gangulappa,
NO.105, S.C.Road,
Seshadripuram,
Bangalore-20.

...Petitioners

(By Sri B Ramaswamy Iyengar)

AND:

1. The Commissioner of Excise,
Govt. of Karnataka,
Vokkaligara Sangha Building,
Next to Corporation Offices,
Bangalore-02.

2. The Deputy Commissioner,
Bangalore Urban District,
District Office Compound,
Bangalore-09.

3. The Deputy Commissioner of Excise,
Vokkaligara Sangha Building,
Next to Corporation Offices,
Bangalore-02.

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4. The Excise Inspector,
Gandhinagar Range,
Gandhinagar VI Cross,
Bangalore-09.

5. Sri.Krishnappa @ Krishna,
No.121/81, I Main Road,
S.C.Road, Near Sudha Buildings,
Opp. Kino Theatre,
Bangalore-020

..Respondents.

W.P filed u/a 226 & 227 of the Constitution of India with an affidavit praying to: Quash the grant of licence made in favour of the R-5 if any or direct not to grant to do business in CL-2/CL-9 shops in No.81, near Sudha Buildings, opp. to Kine Theatre, S.C.Road, Bangalore-20 and etc.,

W.P coming on for Orders this day, the Court made the following:

ORDER

This petition has been filed as a public interest litigation seeking a writ of certiorari or any other appropriate writ or direction by quashing the grant of CL-2 or CL-9 licence made in favour of the fifth respondent if any or in the alternative direct not to grant licence to do the business.

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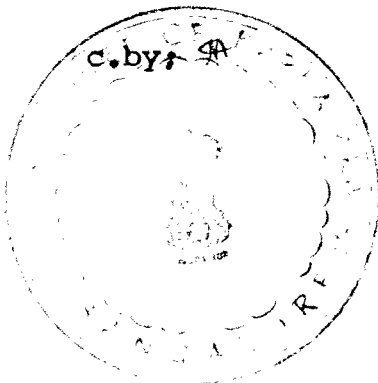
From the reading of the petition we are unable to positively come to the conclusion that a licence has been granted in favour of the 5th respondent. This petition is premature at this stage and is dismissed as such. However, we reserve liberty with the petitioner or any other person to file a fresh writ petition on the same cause of action in case a licence is granted.

Sd/- Judge.

Sd/- Judge.

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r.by; Th 24/9/58-



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Assistant Registrar
High Court of Karnataka
Bangalore-560 001
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